

ENTERED

November 01, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JEFF KITCHEN

Plaintiff.

VS.

BASF

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 3:17-CV-00040

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

Pending before the Court is Plaintiff's Opposition to the Recommendation of the Magistrate and Request for Review by the Sitting Judge/Reconsideration ("Objections"). Dkt. 116. On August 17, 2018, all dispositive pretrial motions were referred to Magistrate Judge Andrew M. Edison pursuant to 28 U.S.C. § 636(b)(1)(B). Dkt. 112. On October 16, 2018, Judge Edison filed a Memorandum and Recommendation (Dkt. 115) recommending that Defendant's Motion for Summary Judgment (Dkt. 77) be **GRANTED**, Plaintiff's Second Motion for Summary Judgment (Dkt. 71) be **DENIED**, and Defendant's Motion for Judgment on the Pleadings (Dkt. 31) be **DENIED AS MOOT**.

On October 30, 2018, Plaintiff filed his Objections. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may


“accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings and summary judgment record; and the briefing and arguments of the parties. The Court **ACCEPTS** Judge Edison’s Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison’s Memorandum and Recommendation (Dkt. 115) be **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) Defendant’s Motion for Summary Judgment (Dkt. 77) be **GRANTED**;
- (3) Plaintiff’s Second Motion for Summary Judgment (Dkt. 71) be **DENIED**; and
- (4) Defendant’s Motion for Judgment on the Pleadings (Dkt. 31) and all other pending motions are **DENIED AS MOOT**.

It is so **ORDERED**.

SIGNED and ENTERED this 1st day of November, 2018.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE